

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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COMMODITY FUTURES TRADING  
COMMISSION and SECURITIES  
EXCHANGE COMMISSION,

ORDER

Plaintiffs,

v.

20-cv-075-wmc & 20-cv-076-wmc,  
Consolidated

EDWARD S. WALCZAK.

Defendant.

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This civil case is set for trial by jury on April 11, 2022. The court held a continuing final pretrial conference by videoconference today, April 4, 2022, at which counsel for both sides again participated. Consistent with its oral rulings during the course of that conference, the court issues the following order.

ORDER

IT IS ORDERED that:

- 1) The parties have until the end of day tomorrow, April 5, 2022, to submit updated witness lists to the court.
- 2) Each party may have until the end of day today, April 4, 2022, to exchange proposed changes to the financial concepts instruction. The parties should meet and confer tomorrow, April 5, 2022, and by the end of day tomorrow also provide the court with any remaining contested edits to the instruction.
- 3) Plaintiffs may have until noon CST tomorrow, April 5, 2022, to provide the court with a redline of the closing jury instructions. Defendant may have until noon, Wednesday, April 6, 2022, in responding to plaintiff's proposed redlines and providing redline changes of its own, including any proposed language regarding elements bracketed by the court as likely undisputed and discussed at the conference, such as Walczak's status as a "financial advisor" during the relevant period. Defendant should also provide a brief as to why any bracketed elements in the current instruction require the resolution of factual disputes before the court can rule as a matter of law.

- 4) Both parties have until the end of day tomorrow, April 5, 2022, to submit revised exhibits and objections to those exhibits.
- 5) The court will continue this conference to address objections to exhibits and expert narratives on Thursday, April 7, 2022, at 9:00 a.m. via Zoom videoconference.

Entered this 4th day of April, 2022.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge